

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2336

Introduced by Assembly Member Olsen
(Coauthors: Assembly Members Baker, Bonilla, and Lackey Lackey,
and O'Donnell)

February 18, 2016

An act to ~~add and repeal~~ Section 44300.5 of *amend, repeal, and add* Sections 56060 and 56061 of the Education Code, relating to ~~teacher credentialing; special education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2336, as amended, Olsen. ~~Teacher credentialing; emergency substitute teaching permits; special education. Special education: substitute teachers.~~

Existing law authorizes a person holding a valid credential authorizing substitute teaching to serve as a substitute for an appropriately credentialed special education teacher for up to 20 cumulative schooldays. Existing law authorizes the Superintendent of Public Instruction to approve an extension beyond 20 cumulative schooldays, as provided.

This bill would, until January 1, 2022, authorize a person holding a valid emergency 30-day substitute teacher permit to serve as a substitute in a special education classroom for up to 40 consecutive schooldays when specified conditions are met. The bill would require an employing authority to report annually to the Commission on Teacher Credentialing, specifying whether or not the employing authority

employed any permitholders pursuant to these provisions and, if so, the number of permitholders employed pursuant to these provisions and the length of time they were employed. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill would make conforming changes and nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes the Commission on Teacher Credentialing to issue various types of teaching and services credentials, including preliminary and clear multiple and single subject teaching credentials. The commission is also authorized to issue emergency teaching and specialist permits that correspond to specified credential types. Statutory provisions specify the requirements with which applicants for those credentials and permits are required to comply.~~

~~Existing regulations provide for procedures by which the commission may issue a permit authorizing the holder to substitute teach, limited each school year to up to 20 days for any one teacher in a special education substitute classroom.~~

~~This bill would, until January 1, 2022, require the commission to issue Emergency Special Education Substitute Teaching Permits authorizing the holder to substitute teach in any special education classroom, limited each school year to serve as a special education substitute teacher for up to 40 days for any one teacher.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56060 of the Education Code is amended
- 2 to read:
- 3 56060. ~~A~~(a) Except as provided in subdivision (b) of Section
- 4 56061, a noncredentialed person shall not substitute for any special
- 5 education certificated position.

1 ***(b) This section shall become inoperative on January 1, 2022,***
2 ***and as of that date is repealed, unless a later enacted statute, that***
3 ***is enacted before January 1, 2022, deletes or extends that date.***

4 ***SEC. 2. Section 56060 is added to the Education Code, to read:***
5 ***56060. (a) A noncredentialed person shall not substitute for***
6 ***any special education certificated position.***

7 ***(b) This section shall become operative on January 1, 2022.***

8 ***SEC. 3. Section 56061 of the Education Code is amended to***
9 ***read:***

10 ***56061. (a) A person holding a valid credential authorizing***
11 ***substitute teaching may serve as a substitute for the appropriately***
12 ***credentialed special education teacher as follows:***

13 ***(a)***
14 ***(1) Except as provided in subdivisions (b) and (c), paragraphs***
15 ***(2) and (3), the employer shall not employ an inappropriately***
16 ***credentialed substitute teacher for a period of more than 20***
17 ***cumulative-school-days schooldays for each special education***
18 ***teacher absent during each school year.***

19 ***(b)***
20 ***(2) Upon application by the district or county office, the***
21 ***superintendent Superintendent may approve an extension of 20***
22 ***school-days schooldays in addition to those authorized by***
23 ***subdivision (a); paragraph (1).***

24 ***(c)***
25 ***(3) Only in extraordinary circumstances may an additional***
26 ***number of days be granted beyond the 40-school-days schooldays***
27 ***provided for by subdivisions (a) paragraphs (1) and (b). Such (2).***
28 ***Those additional days shall be granted in writing by the***
29 ***superintendent Superintendent. The superintendent Superintendent***
30 ***shall report to the state board on all requests granted for an***
31 ***additional number of days pursuant to this subdivision; paragraph.***

32 ***(b) (1) A person holding a valid emergency 30-day substitute***
33 ***teacher permit may serve as a substitute in a special education***
34 ***classroom for up to 40 consecutive schooldays, provided all of the***
35 ***following conditions have been met:***

36 ***(A) The permitholder is filling an immediate staffing need due***
37 ***to a vacant position and is not substituting for a teacher who is***
38 ***absent.***

1 (B) The employing authority has completed and filed a Statement
2 of Need pursuant to Section 80025 of Title 5 of the California Code
3 of Regulations.

4 (C) The employing authority has complied with the hiring
5 hierarchy pursuant to Section 44225.7.

6 (D) By the time the employing authority has reason to believe
7 that the assignment will last more than 20 schooldays, and by no
8 later than the 20th day of the assignment, the employing authority
9 has developed and implemented a plan to provide not less than
10 six hours of training to the permitholder in all of the following
11 areas:

12 (i) Classroom management.

13 (ii) Developing and implementing lesson plans.

14 (iii) Implementing the requirements of each pupil's
15 individualized education program.

16 (iv) Other areas as deemed necessary by the employing
17 authority.

18 (E) The employing authority has assigned a credentialed teacher
19 or teachers to provide ongoing support to the permitholder.

20 (2) An employing authority shall report annually on a form
21 and in a manner to be determined by the Commission on Teacher
22 Credentialing specifying whether or not the employing authority
23 employed any permitholders pursuant to this subdivision and, if
24 so, the number of permitholders employed pursuant to this
25 subdivision and the length of time they were employed.

26 (c) This section shall become inoperative on January 1, 2022,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2022, deletes or extends that date.

29 SEC. 4. Section 56061 is added to the Education Code, to read:

30 56061. (a) A person holding a valid credential authorizing
31 substitute teaching may serve as a substitute for the appropriately
32 credentialed special education teacher as follows:

33 (1) Except as provided in paragraphs (2) and (3), the employer
34 shall not employ an inappropriately credentialed substitute teacher
35 for a period of more than 20 cumulative schooldays for each
36 special education teacher absent during each school year.

37 (2) Upon application by the district or county office, the
38 Superintendent may approve an extension of 20 schooldays in
39 addition to those authorized by paragraph (1).

1 (3) *Only in extraordinary circumstances may an additional*
2 *number of days be granted beyond the 40 schooldays provided for*
3 *by paragraphs (1) and (2). Those additional days shall be granted*
4 *in writing by the Superintendent. The Superintendent shall report*
5 *to the state board on all requests granted for an additional number*
6 *of days pursuant to this paragraph.*

7 (b) *This section shall become operative on January 1, 2022.*

8 SEC. 5. *If the Commission on State Mandates determines that*
9 *this act contains costs mandated by the state, reimbursement to*
10 *local agencies and school districts for those costs shall be made*
11 *pursuant to Part 7 (commencing with Section 17500) of Division*
12 *4 of Title 2 of the Government Code.*

13 ~~SECTION 1. Section 44300.5 is added to the Education Code,~~
14 ~~to read:~~

15 ~~44300.5. (a) The commission shall issue Emergency Special~~
16 ~~Education Substitute Teaching Permits authorizing the holder to~~
17 ~~serve in any special education classroom, whether in preschool,~~
18 ~~kindergarten, or any of grades 1 to 12, inclusive, or in classes~~
19 ~~organized primarily for adults within each county in which the~~
20 ~~permit is registered, provided the employing agency has a~~
21 ~~completed Statement of Need on file for the school year as~~
22 ~~provided for in Section 80025 of Title 5 of the California Code of~~
23 ~~Regulations or any successor regulation. The permit shall authorize~~
24 ~~the holder to serve as a special education substitute teacher for up~~
25 ~~to 40 days for any one teacher during the school year.~~

26 ~~(b) This section shall remain in effect only until January 1, 2022,~~
27 ~~and as of that date is repealed, unless a later enacted statute, that~~
28 ~~is enacted before January 1, 2022, deletes or extends that date.~~